

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

William WAYCOTT

Appl. No.: 10/665,029

Filed: September 16, 2003

Conf. No.: 4492

Art Unit: 1638

Examiner: K.O. Robinson

Atty. Docket: 20612.002/P30632US01

Title: Lettuce Varieties Having Both Iceberg and Romaine Lettuce Characteristics and Methods of Making and Using

**TERMINAL DISCLAIMER**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

01/25/2007 MAHRED1 00000130 502387 10665029  
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Dear Sir:

Seminis Vegetable Seeds, Inc. (hereinafter the "Owner"), the assignee and owner of the entire right, title, and interest in the instant application by virtue of the assignment recorded on July 25, 2006 at the U.S. Patent and Trademark Office at Reel 017991, Frame 0126, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of commonly owned U.S. Patent Number 6,689,941 B2, issued on February 10, 2004 (hereinafter the "Prior Patent"). The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the Prior Patent are commonly owned and agrees that this Terminal Disclaimer shall run with any patent granted on the instant application and shall be binding on the grantee, its successors or assigns.

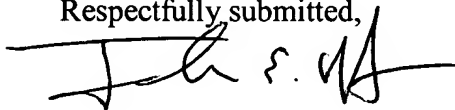
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of

the full statutory term as defined in 35 U.S.C. 154 and 173 of the Prior Patent, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The fee set forth in 37 C.F.R. § 1.20(d) is believed to be \$130.00 for filing the instant terminal disclaimer. The Commissioner is hereby requested to charge the \$130.00 fee for the statutory disclaimer to Arnold & Porter LLP Deposit Account No. 50-2387, referencing matter number 20612.002.

The undersigned is an attorney or agent of record.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. R. Marsh", written over a horizontal line.

David R. Marsh (Reg. No. 41,408)

Thomas E. Holsten (Reg. No. 46,098)

Date: January 24, 2007

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